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REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 23, 2001. In order to advance prosecution of this Application, Applicant has responded to each issue raised by the Examiner. Applicant respectfully requests reconsideration, further examination, and favorable action in this case.

I.   EXAMINER INTERVIEW

Applicant respectfully requests a telephone interview with the Examiner and the Examiner's Supervisor at the earliest possible convenience of the Examiner and the Examiner's Supervisor.

II.   THE TITLE IS DESCRIPTIVE OF THE CLAIMED INVENTION

The Examiner objected to the title of the invention as "not descriptive" because the current title is "directed to a family of devices." Applicant notes that the title of the Application describes the invention as claimed. (*M.P.E.P. § 606.01*). Applicant respectfully requests withdrawal of the objection.

III.   35 U.S.C. § 112 REJECTION

The Examiner rejects Claims 1-19 under 35 U.S.C. § 112, first paragraph. The Examiner asserts that Applicant has not enabled "automatically providing ... access privileges" in Applicant's specification. Applicant respectfully traverses this rejection.

When making an enablement rejection, the Examiner is <u>required</u> to explain why the Examiner doubts the truth or accuracy of any statement in the Application and to "back up assertions ... with acceptable evidence or reasoning which is inconsistent with the contested statement." (*M.P.E.P. § 2164.04*).

The Examiner has repeatedly failed to explain <u>how</u> or <u>why</u> Applicant's disclosure fails to enable the claimed invention. Applicant has repeatedly explained how the Application illustrates at least one embodiment of how a system may provide access privileges to records of members of a community. (*See, e.g., September 24, 2001 Response to*

May 23, 2001 Office Action; February 27, 2001 Response to November 27, 2000 Office Action). In particular, Applicant has noted that the description of Figures 1 and 4-7 describes how specific components of the system may use specific information stored in the system to provide access privileges to members of a community. The Examiner has failed to respond to these arguments made by Applicant, explain why the Examiner doubts the truth or accuracy of these statements in the Application, and present acceptable evidence or reasoning which is inconsistent with these statements.

The Examiner has also failed to perform an analysis of all of the enablement factors listed in *M.P.E.P. § 2164.01(a).* Two of these factors are the amount of direction provided by the inventor and the presence of at least one working example in the specification. *(M.P.E.P. § 2161.01(a)).* Applicant once again notes that the Application contains examples of how specific components of the system may process specific information in the system to provide access privileges. As a result, the Application does not recite a mere "prophetic" example that describes an invention based on predicted results. The Application includes a working example that describes "work actually conducted or results actually achieved." *(M.P.E.P. § 2164.02).* As a result, these are factors that support a finding of enablement, and the Examiner __must__ take these factors into account in the enablement analysis. *(M.P.E.P. § 2164.01(a)).*

Another factor is the predictability of the art. The level of predictability in the art is evidenced by "what is known in the art." *(M.P.E.P. § 2164.03).* In general, when "more ... is known in the prior art about the nature of the invention, how to make, and how to use the invention," less information needs to be included in the specification. *(M.P.E.P. § 2164.03).* In contrast, "if little is known in the prior art about the nature of the invention," the specification would need to include more information. *(M.P.E.P. § 2164.03).* First, Applicant notes that the Examiner claims numerous articles and patents exist that "relate to the instant invention." *(May 23, 2001 Office Action, page 11, last paragraph).* This means that the level of predictability in the art is high because much is "known in the art." Also, the Examiner has repeatedly referred to how access privilege systems are well-known in the art. *(See, e.g., May 23, 2001 Office Action, pages 11-13).* If the Examiner's assertions are true, this means

that "more ... is known in the prior art about the nature of the invention." This shows that the predictability of the art related to the claimed invention is high. This is another factor that supports a finding of enablement and that the Examiner <u>must</u> take into account in the enablement analysis.

Two others factors are the state of the prior art and the level of skill in the art. (*M.P.E.P. § 2161.01(a)*). The state of the prior art determines what one skilled in the art would have known at the time the application was filed. (*M.P.E.P. § 2164.05(a)*). As noted above, the Examiner claims that numerous articles and patents exist that "relate to the instant invention." This means that the state of the prior art and the level of skill in the art would be relatively high. These are yet additional factors that support a finding of enablement and that the Examiner <u>must</u> take into account in the enablement analysis.

The Examiner has failed to explain <u>how</u> these factors affect the enablement finding. In particular, the Examiner has failed to explain how these factors are outweighed by any other factors. Instead, the Examiner relies on conclusory statements such as "[t]his is merely a neat concept without reduction" and "providing access privileges ... is a tall bill to fill." (*May 23, 2001 Office Action, page 7, second paragraph*). These statements are not supported by any evidence or citations to the Application.

The Application enables one of skill in the art to make and use Applicant's claimed invention. The Examiner has failed to meet the burden of proving non-enablement. As a result, Applicant respectfully requests withdrawal of the rejection of Claims 1-19.

IV. 35 U.S.C. § 102 REJECTIONS

The Examiner rejects Claims 1-19 under 35 U.S.C. §§ 102(b) and 102(e), as being unpatentable over seven different references. Applicant respectfully traverses these rejections.

A. THE EXAMINER CONTINUES TO PARAPHRASE AND READ ELEMENTS INTO THE CLAIMS

Under 35 U.S.C. § 102(b), a claim is anticipated by a reference only if each and every element of the claim is found in the reference. (*M.P.E.P. § 2131*). The Examiner improperly reads elements into the claims in rejecting the claims over the cited references. For example, the Examiner states that Claim 1 "recites nothing more than providing a user with access to data based on stored affiliations with groupings for associated user privileges or access levels." (*May 23, 2001 Office Action, page 12, second paragraph*).

First, Claim 1 recites numerous other elements, which the Examiner <u>cannot</u> ignore in determining the patentability of the claim. For example, Claim 1 recites "providing a manager of the first position with access privileges to records of the member based on the first relationship." The Examiner has failed to show how any of the cited references teach or suggest providing a "manager" of a position with access privileges to records of a member.

Second, this is an improper characterization of Claim 1 since Claim 1 never requires or recites the use of "groupings for associated user privileges or access levels." In the Advisory Action, the Examiner states that Claim 1 recites the use of groupings through the recitation of a "community." (*Advisory Action, page 2, second paragraph*). Applicant notes that neither Claim 1 nor the specification requires that the "community" be a group of "associated user privileges or access levels." In fact, the Application recites that a community is simply a group of at least two members. (*Application, page 7, lines 22-25*). The Examiner admits that this is the proper definition of "community." (*May 23, 2001 Office Action, page 4, definition of "community"*). The Examiner has not and cannot cite any specific language in the claims that requires or recites the use of "groupings for associated user privileges or access levels."

The Examiner improperly reads elements into the claims and ignores other elements in rejecting the claims. This is improper under 35 U.S.C. § 102(b).

B. THE EXAMINER HAS NOT EXPLAINED HOW EACH ELEMENT IN EACH CLAIM IS TAUGHT BY THE CITED REFERENCES

The Examiner has never specifically pointed out how each reference teaches or suggests each and every element of the claims. Instead, the Examiner cites large portions of each reference, oftentimes almost the entire reference, without explaining how the cited portions apply to each claim element. To help Applicant understand any future rejections and respond to the particular points raised by the Examiner, Applicant requests that the Examiner specifically point out for each element of each claim those portions of the cited references relied on by the Examiner.

C. NONE OF THE REFERENCES TEACH OR SUGGEST THE CLAIMED INVENTION

None of the cited references teach or suggest all elements of the claims. In general, the cited references teach combining users into groups and granting access privileges to the group (*Howell* and *Abraham*) and/or combining privileges into groups and assigning the group of privileges to a user (*Baldwin, Demurjian, Barkley, Rabitti,* and *Deinhart*).

Howell and *Abraham* group users together and provide privileges to the group. Neither reference teaches or suggests providing one member of a community access to the records of another member based on a management or other type of relationship between the members. Also, it is unclear how references that teach providing access privileges to a group of users can anticipate claims that do not recite or require providing access privileges to a group of users.

Baldwin, Demurjian, Barkley, Rabitti, and *Deinhart* group access privileges together and assign the group of privileges to a user. None teach or suggest providing one member of a community access to the records of another member based on a management or other type of relationship between the members.

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None of the references discloses <u>each and every</u> element of the claims. For at least these reasons, Applicant respectfully requests withdrawal of the rejections and full allowance of Claims 1, 7, 13, and 16-19, and Claims 2-6, 9-12, 14, and 15 depending therefrom.

V.   NEW CLAIMS

Applicant has added new Claims 20 and 21. Applicant submits that no new matter has been added. Applicant respectfully submits that Claims 20 and 21 are patentable for the reasons discussed above. Applicant respectfully requests entrance and full allowance of Claims 20 and 21.
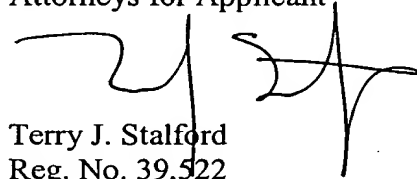
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CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case, Terry J. Stalford stands willing to conduct such a telephone interview at the convenience of the Examiner. Mr. Stalford may be reached at 214-953-6477.

Applicant has included a Notification of Extension of Time Under 37 C.F.R. § 1.136 with the appropriate fee. Applicant has also included an RCE Transmittal with the appropriate fee. Applicant does not believe that any additional fees are due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,

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APPENDIX

1.   A method of providing access privileges to records of members of a community, comprising:

storing an assignment of a member of a community to a first position in the community to generate a first relationship;

automatically providing a manager of the first position with access privileges to records of the member based on the first relationship;

storing an additional assignment of the member to a second position in the community to generate a second relationship; and

during pendency of the additional assignment, automatically providing a manager of the second position with disparate access privileges to records of the member based on the second relationship.

2.   The method of Claim 1, wherein the manager of the second position has limited access privileges to records of the member.

3.   The method of Claim 1, wherein the manager of the first position has access privileges to administrative records of the member denied to the manager of the second position.

4.   The method of Claim 1, wherein the additional assignment comprises a temporary work assignment.

5.   The method of Claim 1, wherein the community comprises a business and the member comprises an employee of the business.

6.   The method of Claim 1, wherein the records comprise personnel records of the member.

7. A method of providing access privileges to records of members of a community, comprising:

storing a first assignment of a first member of a community to a first manager position in the community;

storing a second assignment of a second member of the community to a second manager position in the community;

storing a third assignment of the first manager position to the second manager position to generate a relationship; and

automatically providing the first member with at least a portion of the access privileges of the second member based on the relationship, the access privileges of the second member comprising access privileges to records of members of the community reporting to the second manager position.

8. Cancelled.

9. The method of Claim 7, further comprising automatically providing the first manager position with full access privileges of the second manager position to records of members of the community reporting to the second manager position.

10. The method of Claim 7, wherein the access privileges provided to the first manager position exclude access privileges of the second manager position to administrative records of members of the community reporting to the second manager position.

11. The method of Claim 7, wherein the community comprises a business and the first and second members comprise employees of the business.

12. The method of Claim 7, wherein the records comprise personnel records of the member.

13.   A system for providing access privileges to records of members within a community, comprising:

a memory operable to store:

a plurality of allowed types of assignments of members of a community to positions in the community; and

a record of assignments of members of the community to positions in the community; and

a processor operable to automatically provide a first member and second member with disparate access privileges to records of a third member based on at least two of the recorded assignments in the memory, at least two of the recorded assignments involving different allowed types of assignments.

14.   The system of Claim 13, wherein the allowed assignments include assignments between positions in the community.

15.   The system of Claim 13, wherein a temporary assignment of a member to a position is associated with limited access privileges to records of the member.

16.   A system for providing access privileges to records of members of a community, comprising:

a memory operable to store:

an assignment of a member of a community to a first position in the community to generate a first relationship; and

an additional assignment of the member to a second position in the community to generate a second relationship; and

a processor operable to:

automatically providing a manager of the first position with access privileges to records of the member based on the first relationship; and

during pendency of the additional assignment, automatically providing a manager of the second position with disparate access privileges to records of the member based on the second relationship.

17.   A system for providing access privileges to records of members of a community, comprising:

at least one computer readable medium; and

software encoded on the at least one computer readable medium and operable when executed by a processor to:

store an assignment of a member of a community to a first position in the community to generate a first relationship;

store an additional assignment of the member to a second position in the community to generate a second relationship; and

automatically provide a manager of the first position with access privileges to records of the member based on the first relationship; and

during pendency of the additional assignment, automatically provide a manager of the second position with disparate access privileges to records of the member based on the second relationship.

18.   A system for providing access privileges to records of members of a community, comprising:

a memory operable to store:

a first assignment of a first member of a community to a first manager position in the community;

a second assignment of a second member of the community to a second manager position in the community; and

a third assignment of the first manager position to the second manager position to generate a relationship; and

a processor operable to automatically provide the first member with at least a portion of the access privileges of the second member based on the relationship stored in the memory, the access privileges of the second manager comprising access privileges to records of members of the community reporting to the second manager position.

19.   A system for providing access privileges to records of members of a community, comprising:

at least one computer readable medium; and

software encoded on the at least one computer readable medium and operable when executed by a processor to:

store a first assignment of a first member of a community to a first manager position in the community;

store a second assignment of a second member of the community to a second manager position in the community;

store a third assignment of the first manager position to the second manager position to generate a relationship; and

automatically provide the first member with at least a portion of the access privileges of the second member based on the relationship, the access privileges of the second manager comprising access privileges to records of members of the community reporting to the second manager position.

20.   A method of providing access privileges to records of members of a community, comprising:

storing an assignment of a particular member of a community to a first position in the community to generate a first relationship;

generating a list of at least one authorized function associated with a manager of the first position;

generating a list of at least one authorized object associated with the manager of the first position, the at least one authorized object representing at least one member of the community related to the manager of the first position such that the manager of the first position may access records associated with the at least one member;

providing the manager of the first position with access privileges to records of the particular member based at least partially on the at least one authorized function and the at least one authorized object;

storing an additional assignment of the particular member to a second position in the community to generate a second relationship; and

during pendency of the additional assignment, automatically providing a manager of the second position with disparate access privileges to records of the particular member based on the second relationship.

21.   A method of providing access privileges to records of members of a community, comprising:

storing a first assignment of a first member of a community to a first manager position in the community;

storing a second assignment of a second member of the community to a second manager position in the community;

storing a third assignment of the first manager position to the second manager position to generate a relationship; and

generating a list of at least one authorized function associated with the second member;

generating a list of at least one authorized object associated with the second member, the at least one authorized object representing at least one member of the community related to the second member such that the second member may access records associated with the at least one member; and

providing the first member with at least a portion of the access privileges of the second member based at least partially on the at least one authorized function and the at least one authorized object, the access privileges of the second member comprising access privileges to records of members of the community reporting to the second manager position.